

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND ARTICLE 20, ENTITLED "RESIDENTIAL ZONING DISTRICTS," SECTION 20-015, ENTITLED "PERMITTED USES" TO ADD "RESCUED ANIMAL CARE" AS A PERMITTED PRINCIPAL USE SUBJECT TO ARTICLE 80 AND TO A SPECIAL EXCEPTION IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING CATEGORY; AMENDING ARTICLE 80, ENTITLED "CONDITIONAL USES" TO CREATE A NEW SECTION 80-060, ENTITLED "RESCUED ANIMAL CARE," TO PROVIDE FOR REGULATIONS RELATING TO RESCUED ANIMAL CARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, In response to a privately initiated application by Big Dog Ranch Rescue, Inc. to allow veterinarian services and dog boarding as permitted accessory uses in the Agricultural Residential zoning district, the Town's Planning Consultant has prepared a proposed amendment to the Town's Unified Land Development Code (ULDC) to permit "Rescued Animal Care" as a permitted principal use in the Agricultural Residential (AR) Zoning Districts, subject to regulations in Article 80 and a special exception, and to create a new Section 80-060, to be entitled "Rescued Animal Care" to provide regulations for such use; and,

WHEREAS, the Town's Planning and Zoning Board considered the proposed ULDC amendments at its May 23, 2013, meeting and pursuant to Chapter 163, Part II, Florida Statutes, recommended that the Town Council approve the amendments to the ULDC as worded in Attachment A hereto; and,

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance, to permit "Rescued Animal Care" as a permitted principal use in the Agricultural Residential (AR) Zoning Districts, subject to regulations in Article 80 and a special exception, and to create a new Section 80-060, to be entitled "Rescued Animal Care" to provide

regulations for such use, is consistent with the Town's Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the Town Council of the Town of Loxahatchee Groves, hereby amends the Town's Unified Land Development Code (ULDC) to permit "Rescued Animal Care" as a permitted principal use in the Agricultural Residential (AR) Zoning Districts, subject to regulations in Article 80 and a special exception, and to create a new Section 80-060, to be entitled "Rescued Animal Care" to provide regulations for such use, as set forth in **Attachment "A"**, and incorporated herein by reference.

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC.

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~~Strike thru~~ represents deleted text, and underline represents added text.


Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 4th DAY OF JUNE, 2013.

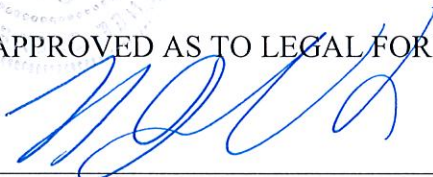
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 18th DAY OF JUNE, 2013.

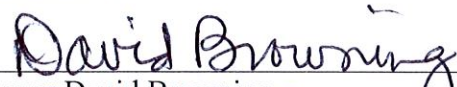
**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

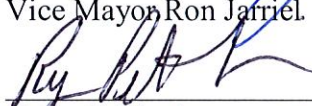

TOWN CLERK

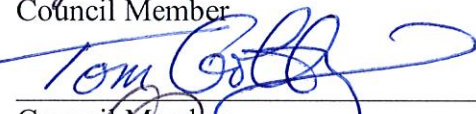
APPROVED AS TO LEGAL FORM:

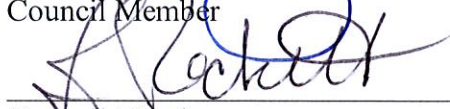

Office of the Town Attorney


Mayor David Browning


Vice Mayor Ron Jarriel


Council Member


Council Member


Council Member

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ATTACHMENT A – Ordinance 2013-03

Rescued Animal Care Conditional Use Provisions
(Underlined text is to be added; ~~Struck through~~ text is to be deleted)

(Ref: Following Page)

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Section 20-015. Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Mobile Home	Permitted w/Special Exception
Public Schools	Permitted
Congregate Living Facility, Type I	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception
Essential Services	Permitted
Commercial Equestrian Operations	Permitted w/Special Exception
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
Aviculture	Permitted subject to Article 80
Commercial Kennels	Not Permitted
Chipping and Mulching	Permitted subject to Article 80
Feed Lots	Not Permitted
Commercial Animal Manure Management	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80
Rescued Animal Care	Permitted <u>subject to Article 80 and to a</u> w/Special Exception
Outdoor Events	Permitted w/Special Exception
Agriculture	Permitted
Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception

Accessory Uses*	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom's Quarter	Permitted
Caretaker's Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
U-Pick Farms	Permitted w/Special Exception
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80

Section 80-060. Rescued Animal Care.

A rescued animal care facility is defined as a not for profit institutional establishment or private animal non-profit organization that is used for the protection of unwanted or abandoned domesticated animals or native wildlife, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation.

Domesticated animal is defined in Section 10-015: *Definitions* of this code, and shall, for the purposes of this section, include any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea or other domesticated beast or bird. For the purposes of this section, the term domesticated shall mean adapted to life in intimate association with and to the advantage of humans.

Native wildlife, for the purposes of this section, shall mean all wild or non-domestic birds, mammals, fur-bearing animals, reptiles, and amphibians, as determined by the Florida Fish and Wildlife Conservation Commission.

Permits for rescued animal care operations shall be subject to the granting of a Special Exception and the following limitations:

- (A) Minimum plot size requirements. Rescued animal care operations may be permitted on properties exceeding ten acres in size.
- (B) Accessory uses. Veterinary services and/or domesticated animal boarding may be permitted as accessory uses as follows: (1) Veterinary services provided by a licensed veterinarian for the care of domesticated animals or native wildlife and/or boarding services for animals currently kept in the rescued animal care facility, or domesticated animals previously adopted, may be offered; and (2) Veterinary services provided by a licensed veterinarian for the care of domesticated animals and/or domesticated animal boarding services may be offered to the public provided that the rescued animal care operation is located on a property that fronts, and has access to, a Town designated Urban Collector or Arterial Highway.
- (C) Accessory residential use. A rescued animal care facility may include an accessory single-family dwelling to be used as a Caretaker's Quarter.
- (D) Waste disposal. A rescued animal care operation shall comply with each of the following standards:

- (1) Palm Beach County Environmental Control Rule (ECR) 1: On-site Sewage Treatment and Disposal and ECR 2: Drinking Water Supply systems;
 - (2) All applicable rules and regulations of the Florida Department of Environmental Protection (FDEP) and Florida Department of Agriculture and Consumer Services;
 - (3) All applicable rules and regulations of the Palm Beach County Health Department;
 - (4) All applicable rules and regulations of Palm Beach County Animal Care and Control Ordinance;
 - (5) All applicable rules and regulations of the Palm Beach County Solid Waste Authority;
 - (6) All applicable rules and regulations of the Florida Fish and Wildlife Conservation Commission.
- (E) Number of animals: The number of animals permitted, including the number of animals boarded, shall be based upon the physical facility requirements listed in the Palm Beach County Animal Care and Control Ordinance or as permitted by the Florida Fish and Wildlife Conservation Commission, and so indicated as a condition of the Special Exception approval.
- (F) Outdoor runs: Outdoor runs or animal exercise areas may be used. If used, such facilities shall be located a minimum of 200 feet from a directly abutting residential zoning district, be hard surfaced or grassed with drains provided every ten feet and be connected to a central or individual sanitary facility approved by the Palm Beach County Health Department. A minimum six-foot high chain-link fence, or other enclosure appropriate to the animal being served, shall be required around outdoor runs. A continuous solid opaque hedge a minimum of four feet at installation shall be provided around a chain-link fenced outdoor run area. Outdoor runs shall not be used earlier than 7:00 a.m. and later than 8:00 p.m. seven days per week.
- (G) Architecture: A rescued animal care facility shall be designed to reflect the Town's Rural Vista Guidelines in effect at the time of Special Exception approval.